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Letter dated 12 July 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Nigeria to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union, I have the honour to transmit herewith the final version of the communiqué adopted by the Peace and Security Council of the African Union at its twelfth meeting, held in Addis Ababa, Ethiopia, on 4 July 2004 (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Simeon A. **Adekanye**
Chargé d'affaires a.i.
Permanent Mission of Nigeria to the United Nations
Representative of the current Chairman of the African Union

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Annex to the letter dated 12 July 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Nigeria to the United Nations addressed to the President of the Security Council

[Original: English and French]

COMMUNIQUÉ OF THE TWELFTH MEETING OF THE PEACE AND SECURITY COUNCIL

The Peace and Security Council (PSC) of the African Union (AU), meeting in its twelfth meeting, at ministerial level, on 4 July 2004, adopted the following communiqué:

A. ON THE CRISIS IN THE DARFUR REGION OF THE SUDAN:

Council,

1. **Reiterates** its serious concern over the prevailing situation in the Darfur Region of the Sudan, particularly the humanitarian crisis and the continued reports of violations of human rights, including attacks against civilians committed by the Janjaweed militia, and **reiterates** the need to bring to justice all those responsible for human rights violations in Darfur;

2. **Notes** that, even though the crisis in Darfur is grave, with the attendant loss of lives, human suffering and destructions of homes and infrastructure, the situation cannot be defined as a genocide. Council **further notes** that the crisis should be addressed with urgency to avoid further escalation;

3. **Welcomes** the measures taken by the Government of the Sudan (GoS) to protect the civilian population, facilitate the work of the humanitarian agencies and NGOs and provide them with unrestricted access to the affected populations. Council **welcomes** the commitment made the GoS to disarm and neutralize the Janjaweed militia, and **urges** the GoS to follow through with all these commitments;

4. **Urges** the Government of the Sudan, the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) to fulfil the commitments made in the Humanitarian Ceasefire Agreement signed on 8 April 2004 and to refrain from any further actions that could constitute violations of the letter and spirit of all the Agreements signed so far;

5. **Further urges** the Sudanese authorities to assess the extent of the destruction related to the conflict in Darfur and to consider the ways and means of compensating the affected populations;

6. **Stresses** that the African Union should continue to lead the efforts to address the crisis in Darfur and that the International Community should continue to support these efforts;

7. **Commends** President Deby of Chad for his mediation efforts, undertaken with the support of the AU Commission and other partners. Council **calls** on all concerned to vigorously pursue their efforts;

8. **Welcomes** the establishment of the Ceasefire Commission (CFC) in El Fashir, as of 9 June 2004, and the partial deployment of the AU Military Observers in the Darfur Region, and **urges** the Commission to expedite the process, including the deployment of the Protection Elements within the framework of the Agreement of 28 May 2004 on the Establishment of the CFC and Deployment of Observers. Council **further urges** the parties to extend full cooperation to the CFC and the Observer Mission in order to facilitate the ongoing efforts to restore lasting peace in Darfur;

9. **Further welcomes** the convening of the first meeting of the Joint Commission provided for in the Humanitarian Ceasefire Agreement, in N'djamena, on 2 July 2004, and **urges** the Sudanese parties to participate fully in the meeting scheduled on 15 July 2004, at the AU Headquarters, to discuss political issues with the view of reaching a Comprehensive Agreement;

10. **Expresses** serious concern over the impact of the conflict in Darfur on the stability of Chad and the rest of the region and, in this regard, **encourages** the Governments of the Sudan and Chad to take appropriate steps to enhance security along their common border. Council **expresses** the disposition of the AU to support such efforts.

B. ON THE SITUATION IN DEMOCRATIC REPUBLIC OF CONGO (DRC)

Council,

1. **Expresses** concern at the continued difficulties preventing the normal functioning of the transitional institutions and delaying the implementation of the Comprehensive and All Inclusive Agreement, as well as the deterioration of relations between the DRC and Rwanda following the events that took place in Bukavu and Kamanyola, in Southern Kivu, in May/June 2004;

2. **Invites** the Chairperson of the Commission, in close consultation with the United Nations, to take the necessary measures to facilitate the establishment of the Joint DRC/Rwanda Verification Mechanism, in keeping with the spirit of the 27 November 2003 Declaration and on the basis of the commitments made in Abuja on 25 June 2004;

3. **Further invites** the Chairperson of the Commission to initiate, on the margins of the session of the Assembly of the Union to be held in Addis Ababa from 6 to 8 July 2004, consultations with the UN Secretary-General, to consider the ways and means of finding a lasting solution to the problem of the *negative forces* (ex-FAR and Interahamwe);

4. **Encourages** the initiative to convene, on the margins of the session of the Assembly of the Union, to be held in Addis Ababa, from 6 to 8 July 2004, a meeting between Presidents Joseph Kabila and Paul Kagamé, in the presence of other Heads of States and Government, including the Chairperson of the Union and the Chairperson of the Peace and Security Council for the month of July 2004, the UN

Secretary-General and the Chairperson of the AU Commission, to sustain the momentum generated by the meeting held in Abuja on 25 May 2004, and to consider the best possible ways of normalizing the relations between the two countries;

5. **Encourages** the Chairperson of the Commission to take all measures deemed to be appropriate, including the strengthening of the AU Liaison Office in the DRC, to contribute to building confidence among the Congolese Parties to the ongoing process, on the one hand, and to strengthening the relations between DRC and Rwanda, on the other, as part of the overall efforts to promote the objectives of the Comprehensive and All Inclusive Agreement.

C. ON THE SITUATION IN BURUNDI

Council,

1. **Welcomes** the encouraging development in the peace process in Burundi. In this respect, Council **encourages** the Transition Government of Burundi and the Burundian parties to spare no efforts for the successful conclusion of the transition period provided for in the Arusha Peace and Reconciliation Agreement of 28 August 2000;

2. **Endorses** the decisions of the 21st Summit of the Regional Initiative, held in Dar-es-Salaam, on 5 June 2004;

3. **Supports** the decision of the 21st Summit to extend the deadline for the PALIPEHUTU/FNL of Agathon Rwasa to join the peace process by three months, and to impose with immediate effect, restrictions on the movements of the leaders and members of the PALIPEHUTU/FNL and **requests** Member States to implement this decision;

4. **Requests** the Commission, pursuant to the communiqué of 21st Summit of the Regional Initiative, to examine the activities of the PALIPEHUTU/FNL in the light of the Constitutive Act of the African Union, the Convention on the Prevention and Combating of Terrorism, as well as other relevant decisions and instruments, and to submit to it recommendations on the measures that could be taken, for appropriate action.

D. ON THE SITUATION IN CÔTE D'IVOIRE

Council,

1. **Welcomes** the mediation efforts being deployed by the leaders of ECOWAS and the initiative of the President of the Gabonese Republic, to re-launch the peace and reconciliation process. Council **urges** the Ivorian parties to extend full cooperation to these efforts and to demonstrate the required political will to facilitate the full and unconditional implementation of the Linas-Marcoussis Agreement;

2. **Further welcomes** the resumption of dialogue between the President of the Republic and the political opposition, and **urges** the *Forces Nouvelles* to rejoin the negotiation process. Council **reaffirms** that only frank discussions among all Parties to the Ivorian crisis will create conditions conducive to the resumption of the effective functioning of the Government and the re-launching of the peace process;

3. **Requests** the Commission to continue to support the peace process in Côte d'Ivoire, including through facilitating exchanges of experiences with countries that had been faced with similar problems.

E. ON THE RELATIONS BETWEEN ERITREA AND SUDAN

Council,

1. **Requests** the Chairperson of the Commission to prepare and submit to it, in due course, a report on this matter based on earlier AU's efforts and the Council's decision of 25 May 2004;

2. **Decides** to remain seized with the matter.

F. ON THE PEACE PROCESS BETWEEN ERITREA AND ETHIOPIA

Council,

1. **Encourages** the ongoing efforts by African leaders and the United Nations to overcome the difficulties being encountered in the peace process and to facilitate the normalization of the relations between Eritrea and Ethiopia;

2. **Decides** to remain seized with the matter.